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Official Report of Debates (Hansard)

SP-23

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SP-23

Standing Committee on Social Policy

Anti-Human Trafficking Act, 2017

2nd Session
41st Parliament

Monday 15 May 2017

Comité permanent de la politique sociale

Loi de 2017 contre la traite
de personnes

2^e session
41^e législature

Lundi 15 mai 2017

Chair: Peter Tabuns
Clerk: Jocelyn McCauley

Président : Peter Tabuns
Greffière : Jocelyn McCauley



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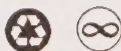
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 15 May 2017

Lundi 15 mai 2017

The committee met at 1400 in committee room 151.

ANTI-HUMAN TRAFFICKING ACT, 2017

LOI DE 2017 CONTRE LA TRAITE
DE PERSONNES

Consideration of the following bill:

Bill 96, An Act to enact the Human Trafficking Awareness Day Act, 2017 and the Prevention of and Remedies for Human Trafficking Act, 2017 / Projet de loi 96, Loi édictant la Loi de 2017 sur la Journée de sensibilisation à la traite de personnes et la Loi de 2017 sur la prévention de la traite de personnes et les recours en la matière.

The Chair (Mr. Peter Tabuns): Good afternoon, committee members. I'm calling this meeting to order for clause-by-clause consideration of Bill 96, An Act to enact the Human Trafficking Awareness Day Act, 2017 and the Prevention of and Remedies for Human Trafficking Act, 2017.

Eric Chamney from legislative counsel is here to assist us with our work.

A copy of the numbered amendments received on May 12, 2017, is on your desk. Amendments have been numbered in the order in which the sections appear in the bill, and you've all received a copy of amendment 11, which just recently came forward.

Are there any questions from committee members before we start? There being none, as you've probably noticed, Bill 96 is comprised of three sections which enact two schedules. In order to deal with the bill in an orderly fashion, I suggest we postpone the three sections in order to dispose of the two schedules first. Is that agreed? Agreed.

We go to schedule 1. You'll notice that schedule 1 includes a preamble. In order to deal with the bill in an orderly fashion, it's practice that we consider the preamble after we dispose of the three sections of the schedule. You're agreeable? Excellent.

As you will note, there are no amendments in sections 1, 2 and 3. I propose to bundle them together. Is that agreed? Agreed. Shall schedule 1, sections 1, 2 and 3, carry? Carried.

Shall the preamble of schedule 1 carry? Carried.

Shall schedule 1 carry? Carried.

We go to schedule 2. We start with schedule 2, section 1. We have a government amendment: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that the definition of "human trafficking" in section 1 of the Prevention of and Remedies for Human Trafficking Act, 2017, as set out in schedule 2 to the bill, be amended by adding "but not requiring a charge or conviction under any of those sections" at the end.

The purpose of the amendment is to ensure that there is no requirement of a conviction under the Criminal Code in order for someone to be able to institute a tort or obtain a restraining order. It's for clarification purposes. It's responsive to some of the written comments that we had received.

The Chair (Mr. Peter Tabuns): Further discussion? Ms. Scott.

Ms. Laurie Scott: I agree with this government motion number 1 and appreciate the fact that the motion is being moved by them. Also, when we get to our motion number 9, it might be similar. We can deal with that maybe then. Is that the best process to go?

The Chair (Mr. Peter Tabuns): That would be fine.

Ms. Laurie Scott: Okay, thank you.

The Chair (Mr. Peter Tabuns): Any further discussion? There being none, shall government motion number 1 pass? Carried.

We'll go on to vote on the section as a whole. Shall schedule 2, section 1, as amended, carry? Carried.

Schedule 2, section 2, has no motions. You're ready for the vote? Shall schedule 2, section 2, carry? Carried.

We now go to government motion number 2.

M^{me} Nathalie Des Rosiers: I move that section 3 of the Prevention of and Remedies for Human Trafficking Act, 2017, as set out in schedule 2 to the bill, be struck out and the following substituted:

"Application for restraining order

"3(1) The following persons may apply to the court, in accordance with the regulations, for a restraining order under section 4 against a respondent:

"1. A victim.

"2. A person with lawful custody of a victim who is a child.

"3. A person acting on behalf of a person referred to in paragraph 1 or 2 who gives his or her consent to the application in the prescribed form.

"4. Any other person who is prescribed.

"Parties

"(2) The parties to an application under subsection (1) are the applicant, the victim if he or she is not the applicant, and the respondent."

The purpose of this motion is to eliminate the word “agent,” which was creating some confusion that is not in line with where we want to go and where the law society, among others, is going. So that’s to eliminate the reference to the word “agent”; that’s the purpose of it.

The Chair (Mr. Peter Tabuns): Any further discussion of this? There’s no discussion? You’re ready for the vote? Shall government motion 2 carry? Carried.

We go to vote on the section as a whole. Shall schedule 2, section 3, as amended, carry? Carried.

We go now to section 4. There are no amendments. You’re ready for the vote? Shall schedule 2, section 4 carry? Carried.

We now go to section 5. We have government motion number 3: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 5(1) of the Prevention of and Remedies for Human Trafficking Act, 2017, as set out in schedule 2 to the bill, be amended by striking out “the anniversary” and substituting “the third anniversary”.

The purpose of the motion is to expand the length of time of a restraining order from one year to three years. It protects the victims better, as opposed to having to go back to court at the end of one year to renew it. On the other hand, the respondent, as you know, always has the possibility, if there’s a change in his or her circumstances, to come back in front of the court and make the changes appropriately. So this protects the victims better and avoids having to go back to court repetitively.

The Chair (Mr. Peter Tabuns): Further discussion? Ms. Scott.

Ms. Laurie Scott: I totally agree and appreciate the fact that this was originally three years, or the third anniversary, in the Saving the Girl Next Door Act, and the fact that it takes at least three years for a victim to actually be able to break the chain and also to be integrated back into society as best they can. So we appreciate the government listening to this and bringing forward this motion.

The Chair (Mr. Peter Tabuns): Further discussion? There being none, you’re ready to vote? Shall government motion number 3 carry? Carried.

We go now to government motion 4: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 5(2) of the Prevention of and Remedies for Human Trafficking Act, 2017, as set out in schedule 2 to the bill, be amended by striking out “one year” and substituting “three years”.

The Chair (Mr. Peter Tabuns): Discussion?

M^{me} Nathalie Des Rosiers: It’s a consequential amendment to what we just voted on.

The Chair (Mr. Peter Tabuns): Any discussion from anyone else? There being none, you’re ready for the vote? All those in favour of government motion number 4—sorry. Shall government motion 4 carry? Carried. When you lose the rhythm, it’s a terrible thing.

We go on to government motion number 5: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that section 5 of the Prevention of and Remedies for Human Trafficking Act, 2017, as set out in schedule 2 to the bill, be amended by adding the following subsection:

“Extension pending determination

“(5) If an application is made under subsection (2) and the restraining order is set to expire before the application is determined, the expiry date of the order is deemed to be extended until the determination of the application, unless the court orders otherwise.”

The purpose of this amendment is to ensure that if, for example, an applicant arrives in court and the restraining order is just about to expire and she applies for an extension and her application needs to be heard, you don’t want, pending the process of being heard and having the application processed, that the order be voided or expired. So this ensures that during the time that she is in front of the court, the restraining order carries until the application is heard and then either the restraining order continues or not, depending on the outcome. It’s a bit technical, but it’s to ensure that there’s no gap in the restraining order.

The Chair (Mr. Peter Tabuns): Further discussion? Ms. Scott.

Ms. Laurie Scott: I agree with the government’s motion and appreciate the fact that we are continuing to protect the victim to the best of our ability in the bill that’s put forward.

The Chair (Mr. Peter Tabuns): Any other discussion? There being none, you’re ready for the vote? Shall government motion number 5 carry? Carried.

We now go to vote on the section as a whole. You’re ready? Shall schedule 2, section 5, as amended, carry? Carried.

We now have sections 6, 7, 8 and 9, where I have no amendments. I propose to bundle them together. You’re agreeable, as a committee? Okay. Shall schedule 2, sections 6 to 9, inclusive, carry? Carried. Great.

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We now go to government motion number 6 in section 10: Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I move that subsection 10(3) of the Prevention of and Remedies for Human Trafficking Act, 2017, as set out in schedule 2 to the bill, be amended by striking out “inform the person” and substituting “inform the applicant, the victim if he or she is not the applicant, and any witnesses”.

The purpose of this proposed amendment is to ensure that everyone is told that they have the possibility of asking for a publication ban. So it’s really to clarify a little bit that everyone should be informed that there’s a possibility of a publication ban.

The Chair (Mr. Peter Tabuns): Okay. Thank you. Is there any discussion? There’s no discussion; you’re ready for the vote? Shall government motion 6 carry? Carried.

Now for the section as a whole: Shall schedule 2, section 10, as amended, carry? Carried.

We now go to PC motion 7: Ms. Scott.

Ms. Laurie Scott: I will read PC motion number 7 but I will ask the government then to respond to the reason why—if that's okay? We've had discussions off-line but I think it's important to go on the record, if that's all right.

The Chair (Mr. Peter Tabuns): Okay. Please.

Ms. Laurie Scott: I move that schedule 2 to the bill be amended by adding the following section:

“Offences and penalties

“Order made under s. 4(2)

“10.1(1) A person who contravenes a restraining order made under subsection 4(2) is guilty of an offence and is liable on conviction to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both.

“Same, orders made under s. 10

“(2) A person who contravenes an order made under section 10 is guilty of an offence and is liable on conviction,

“(a) in the case of an individual, to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both; and

“(b) in the case of a corporation, to a fine of not more than \$50,000.

“Corporate officers and directors

“(3) An officer, director, employee or agent of a corporation who directs, authorizes, assents to, permits or participates or acquiesces in the contravention of an order made under section 10 may be convicted of the offence, whether or not the corporation has been prosecuted or convicted.”

I brought this amendment forward because we're following the Manitoba legislation, in which there are heavy fines to deter the trafficker to stay away from the victim. This has been brought to my attention by the government that they would like to make a comment on this. I was bringing this forward as a motion, so basically there's more strength in legislation, so it's more of a deterrent. I will now, through you, Mr. Chair, ask the government to make comment.

The Chair (Mr. Peter Tabuns): Any comments? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Indeed, the way the legislation is currently drafted, the fact that there is no penalty in it doesn't mean that there is no penalty. It simply means that it's going to be treated as a restraining order and the prosecution will be under the Criminal Code. That's more serious than if we had a penalty because then it would be under the Provincial Offences Act.

A prosecution under the Criminal Code is more serious than under the Provincial Offences Act because of the following: Under prosecution in the Criminal Code, the defendant, or the offender, can be detained before the trial, or bail set under serious conditions. There will be a criminal record if the person is convicted. And finally, I think it's important to know that restraining orders under the Family Law Act and the Children's Law Reform Act are all conducted under the Criminal Code because it's more serious. Indeed, it's

actually better, I think, and a greater deterrent, in a way, to have it as a prosecution under the Criminal Code.

The Chair (Mr. Peter Tabuns): Any further commentary? Ms. Scott.

Ms. Laurie Scott: Based on that explanation, I appreciate the government's clarification of that. I will withdraw amendment number 7.

The Chair (Mr. Peter Tabuns): The motion is withdrawn.

Members of the committee, the next few sections, sections 11 to 15, have no amendments. I propose to bundle them. Are you agreeable? Great. We'll vote, then. Shall schedule 2, sections 11 to 15, inclusive, carry? Carried.

We now go to PC motion number 8: Ms. Scott.

Ms. Laurie Scott: I move that subsection 16(1) of schedule 2 to the bill be amended by adding “in the Superior Court of Justice” after “may bring an action”.

It just was not specified in the legislation. We're assuming the Superior Court of Justice. I don't know if the government—

M^{me} Nathalie Des Rosiers: Yes, I will.

The Chair (Mr. Peter Tabuns): Okay, thank you. Further discussion? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: Although there is a definition of the Ontario Court of Justice, that applies only to part I. So part II, for the tort action, indeed is the Superior Court, because the Superior Court has the inherent jurisdiction in Ontario.

The amendment is not really necessary in this context, because you want to make sure that the tort action is brought in the court that has inherent jurisdiction for all action. Let's assume that, one day, there would be a change in terms of where tort action should be brought. This action should be brought exactly to the same place as other tort action.

The Chair (Mr. Peter Tabuns): Further discussion? Ms. Scott.

Ms. Laurie Scott: I'm going to ask legal counsel. May I ask Mr. Chamney?

The Chair (Mr. Peter Tabuns): Yes.

Ms. Laurie Scott: I'm fine in believing the member, Ms. Des Rosiers. Could I get clarification?

Mr. Eric Chamney: It's correct to read that it can be brought in the action, and the action would be brought in the court of inherent jurisdiction, which is the Superior Court of Justice.

Ms. Laurie Scott: So we're safe in assuming that it will be the Superior Court of Justice. Okay. I will accept everyone's guidance and withdraw amendment number 8.

The Chair (Mr. Peter Tabuns): Amendment number 8 is withdrawn.

We go to PC motion number 9.

Ms. Laurie Scott: I move that section 16 of schedule 2 to the bill be amended by adding the following subsection:

“Action may be brought without human trafficking conviction

“(1.1) The action may be brought even if the defendant has not been convicted of human trafficking under the Criminal Code (Canada).”

It's again a legal question, if that is similar to government motion number 1 that we passed, so maybe I'll ask legislative counsel, please.

The Chair (Mr. Peter Tabuns): You'd like to ask a question of legislative counsel? Mr. Chamney.

Mr. Eric Chamney: They probably deal with very similar things. My opinion is that the—sorry. Let me organize my thoughts.

Interjection.

The Chair (Mr. Peter Tabuns): You have some insight, Madame Des Rosiers?

M^{me} Nathalie Des Rosiers: Can I just make a comment? It's important to know that part I applies to all parts, and part I only has the definition of “human trafficking.” The amendment that we approved, that changes the definition of “human trafficking” to say you don't need a conviction, applies to the whole thing. It applies to the restraining order but also to the tort action.

I think your purpose in bringing that amendment was to ensure that in a tort action, it was not necessary to have a criminal conviction prior to that.

That was the rationale for amending part I, the “human trafficking” definition: to catch both the restraining order and a tort action.

The Chair (Mr. Peter Tabuns): Further discussion? Ms. Scott.

Ms. Laurie Scott: So if we voted and accepted PC motion number 9, is that going to—it's basically redundant, we feel. Okay, let me withdraw motion number 9, then.

The Chair (Mr. Peter Tabuns): Motion 9 is withdrawn.

With that, we go to the vote on the section as a whole. People are ready for the vote? Shall schedule 2, section 16, carry? It is carried.

We now go to PC motion number 10: Ms. Scott.

Ms. Laurie Scott: I move that subsection 17(1) of schedule 2 to the bill be struck out and the following substituted:

“Powers of court

“(1) If the plaintiff is successful in an action under section 16, the court,

“(a) shall award damages to the plaintiff, including general, special, aggravated and punitive damages, as appropriate;

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“(b) shall order the defendant to turn over to the plaintiff all financial records in his or her possession or control that relate in any way to the defendant's affairs;

“(c) shall authorize the plaintiff to obtain any financial records that relate in any way to the defendant's affairs from any financial institution, as that term is defined in the Ministry of Training, Colleges and Universities Act; and

“(d) may,

“(i) order the defendant to account to the plaintiff for any profits that have accrued to the defendant as a result of the human trafficking,

“(ii) issue an injunction on such terms and with such conditions as the court determines appropriate in the circumstances, and

“(iii) make any other order that the court considers reasonable in the circumstances.”

Basically, we're taking out the word “may” and putting “shall award.” This was brought up by Hooper Law. It would be insistent that the judge award damages to the plaintiff.

The Chair (Mr. Peter Tabuns): You're finished, Ms. Scott?

Ms. Laurie Scott: The other part was, of course, the turning over of the financial records to the court to allow the victim an accounting of what the trafficker may have. This was brought to our attention on this committee by Hooper Law, but it has been brought up many times in reference to awarding damages to the victims. Basically, we're reassuring victims that the law will actually do something, instead of that it may be ruled that they are successful in their claim to the traffickers and have won the court case, but are not awarded any damages. That's defeating the purpose of trying to give the victims both financial support as well as emotional support in recovery.

The Chair (Mr. Peter Tabuns): Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: The bill already provides that it's not necessary to prove damages to obtain them. Generally, we don't tell the court “shall” because they have to assess the whole circumstance before they make a decision. So in general, it's kind of bad legislative drafting to say a court “shall” award damages, particularly here, because you have aggravated punitive.

You want to make sure that it's tailored to the circumstances, but your point, which was that you don't want to oblige the victim to prove damages, is already there. It's section 16(2) which says, “The action may be brought without proof of damage.”

The other part in the amendment that is maybe a little bit dangerous in the way it is written is that in the amendment, as proposed, it looks as though the plaintiff has to be successful to obtain injunctive relief or the turning over of financial records and so on. In the context of the current way the bill is, it gives the court the power to do anything that's deemed necessary. The court may make any order that the court considers reasonable in the circumstances. That would include doing orders during the time of the trial, for example, as opposed to just at the end.

It could be that at times, as part of what we call discovery, when people exchange information, you may want the court to order, for example, the disclosure of assets. The danger with the amendment is that it's restricted to at the end, to when the plaintiff is successful as opposed to throughout.

Personally, I think we want to leave the court to tailor all orders to the circumstances in front of it to ensure that the victims are well protected during and after. Those are the reasons why I would vote against it.

The Chair (Mr. Peter Tabuns): Any further discussion? Ms. Jones.

Ms. Sylvia Jones: I'm not a lawyer, but I'm reading it and I'm trying to find where it says you have to wait until the court proceedings have been finished. I'm reading the amendments and I'm not seeing that.

The Chair (Mr. Peter Tabuns): Madame Des Rosiers, you wanted to speak?

M^{me} Nathalie Des Rosiers: It's because you start with, "If the plaintiff is successful in an action." It requires that the plaintiff be successful before all the orders. That's the difficulty.

The Chair (Mr. Peter Tabuns): Thank you for your commentary. Ms. Scott?

Ms. Laurie Scott: I'm open to a friendly amendment—for the "is successful"—to remove that.

Ms. Sylvia Jones: "During the proceedings."

Ms. Laurie Scott: Yes, "during the proceedings," we could maybe substitute in.

The problem in what we're hearing is, in other jurisdictions—I believe, Nova Scotia—the judges are actually awarding damages, where in Ontario they have not been. So that's why the "shall" as opposed to "may." The judge may award damages, but he or she may not. The judge may ask for financial records, but he or she may not. That's why I was bringing the amendment forward. I appreciate that Madame Des Rosiers is a lawyer. She has an advantage on me in interpretation, I must say. But it was recommended by a law firm that has done a lot of work on human trafficking.

The Chair (Mr. Peter Tabuns): Further discussion?

M^{me} Nathalie Des Rosiers: I understand the intention. I think the way the bill is drafted now gives you what you intend because it's quite clear, and it's better legal drafting to say "may" when you talk about a court having jurisdiction over a matter.

Subsection 16(2) says, "The action may be brought without proof of damage." Section 17 says the court may: "award damages to the plaintiff, including general, special, aggravated and punitive damages"—so it's quite clear about that; "order the defendant to account to the plaintiff for any profits..."; "issue an injunction on such terms and with such conditions as the court determines appropriate in the circumstances;" and "make any other order that the court considers reasonable in the circumstances."

I think it's better legislative drafting the way it's done now. I think it conforms a little bit with the way in which we generally draft statutes, to give the court the jurisdiction to do what it deems necessary and appropriate in a comprehensive way for the plaintiff. We should certainly do legal education to ensure that this is well understood.

The Chair (Mr. Peter Tabuns): Further discussion?

Ms. Laurie Scott: If I make a friendly amendment about taking out the "is successful" or—what's the term?

Ms. Sylvia Jones: "During the proceedings."

Ms. Laurie Scott: "During the proceedings"—I'm just going to save myself the time of making a friendly amendment if the government is not willing to support the intent.

The Chair (Mr. Peter Tabuns): Madame Des Rosiers, do you want to respond?

M^{me} Nathalie Des Rosiers: It is the "shall" that is a problem for me. The "shall" is a problem in terms of legislative drafting, so I will not support—even the friendly amendment doesn't resolve my issues.

The Chair (Mr. Peter Tabuns): Ms. Scott?

Ms. Laurie Scott: Subsection 16(2) and 17(1)(a) basically say—if you don't need to make a proof of damages, why is the legislation allowed to use the word "may" for 17(1)(a)? It would just seem logical that if you do not need to prove damages, it's a strict liability claim, where damages are a right and the court should not be given the discretion of "may." So I just want to read that into the record. Madame Des Rosiers may want to comment further. But that's the justification for why I put the amendment in.

The Chair (Mr. Peter Tabuns): Any comments from anyone else?

M^{me} Nathalie Des Rosiers: The court has jurisdiction. It could choose to do aggravated, more punitive—there's a choice there about giving general damages. Subsection 16(2) is there to ensure that if there's no what we call evidence of general damages, the court may still be able to order the other types of damages as well as general damages. So I will vote against, just because I continue to think that "may" is better legislative drafting in this concept.

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The Chair (Mr. Peter Tabuns): Further discussion? Ms. Scott.

Ms. Laurie Scott: I'll ask for a recorded vote.

The Chair (Mr. Peter Tabuns): A recorded vote is requested.

Mr. Yakabuski? Were you wanting to speak or did you want to—

Mr. John Yakabuski: I was going to ask one quick question, if I may.

The Chair (Mr. Peter Tabuns): Be my guest, sir. Mr. Yakabuski.

Mr. John Yakabuski: Madame Des Rosiers, you're saying, then, that according to you or your belief when drafting the bill, all remedies that would be available to the victim are still available in the act as written? All the remedies are still available, to be determined by the decision of the courts?

M^{me} Nathalie Des Rosiers: Yes. The language is wide enough to give the judge the authority to do everything that you want to get done in this amendment. In my respectful submission, it's not necessary to have the amendment in light of the way the bill is currently drafted because of—I've read it before—the opportunity for the judge to tailor it to the specific demands and

circumstances of the case. In my view, it's better drafted the way it currently is.

The Chair (Mr. Peter Tabuns): Mr. Yakabuski.

Mr. John Yakabuski: So under the amendment, they would be required to do this, whereas under the legislation as we have it, it would be an option available to the judge, but there would be no requirement for them to make that demand?

The Chair (Mr. Peter Tabuns): Any further comment? Madame Des Rosiers.

M^{me} Nathalie Des Rosiers: I'll conclude on this: It's much better to leave it to the judge, because it may not be necessary in all cases to have the transfer of financial records and so on, because at times it may not be appropriate. There may be cases where it's not appropriate, and if you put "shall," then you're going to have more—the litigation will cost more money than necessary and so on. That's the reason why, in general, we leave the judge enough discretion for him or her to tailor what's needed to the circumstances of the case. That's the reason why I will vote against the amendment.

The Chair (Mr. Peter Tabuns): Mr. Yakabuski.

Mr. John Yakabuski: With the greatest respect to your opinion, which you offered me there, if I could just get an answer to the question. The distinction is that in the amendment as proposed by the PCs, the judge would be required to make those orders; in the legislation as drafted by the government, it allows for the judge to do that, but does not require them to do so. That is, in your belief, correct?

M^{me} Nathalie Des Rosiers: That's correct.

The Chair (Mr. Peter Tabuns): Is there further discussion? No? There's no further discussion? Ms. Scott.

Ms. Laurie Scott: I just wanted to highlight to that last point and to the point of Madame Des Rosiers that it does have, under "Powers of the court" under 1(a), "as appropriate." Does legal counsel want to comment? Is there anything more to really say?

The Chair (Mr. Peter Tabuns): Mr. Chamney, did you have anything to add?

Ms. Laurie Scott: You don't have to if you don't want to.

Mr. Eric Chamney: Sorry, is there a question?

Ms. Laurie Scott: Just if it has included "as appropriate" under the "shall," then that's leeway for the judges.

Mr. Eric Chamney: Yes, the "as appropriate" does provide more leeway.

Ms. Laurie Scott: More leeway for the judges instead of "shall." Anyway, I leave my points. I made them.

The Chair (Mr. Peter Tabuns): Okay. We're ready to vote. A recorded vote was requested. All those in favour of PC motion number 10, please indicate.

Interjection.

The Chair (Mr. Peter Tabuns): Your sub slip has run out.

Interjections.

The Chair (Mr. Peter Tabuns): May I suggest, colleagues, that we recess for five minutes while we sort this out? Thank you.

The committee recessed from 1435 to 1437.

The Chair (Mr. Peter Tabuns): We're back in session. We will go back to the recorded vote.

Ayes

Yakabuski.

Nays

Des Rosiers, Dhillon, Mangat, Natyshak, Rinaldi.

The Chair (Mr. Peter Tabuns): The motion is lost. We now go to vote on the section as a whole.

Mr. John Yakabuski: Chair?

The Chair (Mr. Peter Tabuns): Yes? You'd like a recorded vote on this?

Mr. John Yakabuski: No, but I have two other amendments that I would like to—

The Chair (Mr. Peter Tabuns): On this section?

Interjection.

Mr. John Yakabuski: Is it not on this section? Okay. Sorry, it's not on this section.

The Chair (Mr. Peter Tabuns): Okay.

Mr. John Yakabuski: My apologies. I'm just coming in late.

The Chair (Mr. Peter Tabuns): Not a problem. You're ready to vote, then? Shall schedule 2, section 17, carry? Carried.

Schedule 2, sections 18 and 19: I have no amendments. I propose to bundle them together. There are no objections? You're ready to vote? Shall schedule 2, sections 18 and 19, carry? Carried.

We go to a vote now on the schedule as a whole. Shall schedule 2, as amended, carry? Carried.

We now have to return to the first three sections of Bill 96. Section 1: I have no amendments. You're ready to vote on section 1? Shall section 1 carry? Carried.

Section 2: I have no amendments. You're ready to vote? Shall section 2 carry? Carried.

In section 3, we have amendments. Mr. Yakabuski.

Mr. John Yakabuski: We have two amendments, one which I would like to withdraw.

The Chair (Mr. Peter Tabuns): Number 11 is withdrawn?

Mr. John Yakabuski: Number 11 is withdrawn.

The Chair (Mr. Peter Tabuns): And then you have—

Mr. John Yakabuski: Number 12, which is: I move that section 3 of the bill be struck out and the following substituted:

"Short title

"3. The short title of this act is the Saving the Girl Next Door Act, 2017."

The Chair (Mr. Peter Tabuns): I have been advised and I believe the amendment is out of order because it seeks to amend the short title of the bill. The title may be amended only if the bill has been so altered as to necessitate such an amendment. Therefore, this amendment cannot be considered by the committee.

Mr. John Yakabuski: Thank you, Chair, for your ruling.

The Chair (Mr. Peter Tabuns): So that amendment is out of order.

We go to vote, then, on section 3 as a whole. Shall section 3 carry? Carried.

And then we go to the last few votes.

Shall the title of the bill carry? Carried.

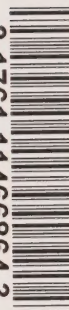
Shall Bill 96, as amended, carry? Carried.

Shall I report Bill 96, as amended, to the House? Carried.

We're done. Committee stands adjourned.

The committee adjourned at 1440.

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